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EXAMINER	
MISLEH, JUSTIN P	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/461,932	HONDA ET AL.	
	Examiner	Art Unit	
	Justin P Misleh	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1 – 10, 25 – 46, and 55 – 59* is/are allowed.

6)☒ Claim(s) *11 – 14, 16 - 18, 20 – 24, 48, 49, 51, 52, and 54* is/are rejected.

7)☒ Claim(s) *10,11,15,19,20,47,50 and 53* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 23 August 2004 have been fully considered but they are not persuasive.

2. The Applicant argues, "that the amendments to the claims distinguish the claims from Teremy et al. because Teremy et al. disclose display changes due to mode/state changing operations by a user." Furthermore, the Applicant argues, "some of the claims recited driving condition setting means and driving control means which operate different that changing a display by changing a mode of a camera." To support the arguments, the Applicant amended the claims to at least require a component or means for changing and /or setting luminous brightness or luminous color of an organic electroluminescent element or a component or means for driving the organic electroluminescent element on the basis of the luminous brightness or luminous color set by the driving condition setting means wherein the luminous brightness or luminous color in an identical area of the display device is manually changeable by an operator.

3. The Examiner believes that the Applicant is trying to distinguish the present invention from Teremy et al. by focusing on the fact that the present invention is concerned with changing the color or brightness of the entire organic element rather than individual icons in the display device. For instance, turning to figure 3 of the present invention, rather than changing the color or brightness of icons (30 – 39), the Applicant is concerned with changing the color or brightness of the entire organic element (17) which fully encompasses the display device (24). However,

the amendments to the claims do not reflect the Examiner's interpretation of the Applicant's arguments.

4. For instance, Teremy et al. shows, in figure 3, a plurality of OLED's (62 – 68) that are located in a display segment (40) of the display device (21). Teremy et al. disclose, as stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 10), that the OLED's are settable to various colors and levels of brightness based upon the operations of a user. In fact the organic electroluminescent element, which is comprised all of the OLED's, is driven on the basis of the set colors and levels of brightness of the OLED's; wherein all of the OLED's are in the same identical area (the display segment (40) of the display device (21).

5. The claims are written broadly enough so as to not specifically read on figure 3 of the present invention and allow for various alternative interpretations, including the Teremy et al. interpretation, as demonstrated by the Examiner.

Specification

6. The disclosure is objected to because of the following informalities: misplacement of a reference sign description.

EEPROM 16 is first described on page 10 (line 2) in connection with figure 4; however, the EEPROM 16 is first shown in figure 1. To overcome the objection, the Examiner recommends including a description of reference sign 16 in connection with the initial description of figure 1.

Appropriate correction is required.

Claim Objections

7. **Claims 10, 11, and 20** are objected to because of the following informalities: typographical errors.

For **Claim 10**, the claim language makes the following typographical error (underlined portion), "for illuminating the display segment of a background of the display segment." The underlined portion should be changed to "or."

For **Claim 11**, the claim language makes the following typographical error (underlined portion), "a driving condition for setting circuit." The underlined portion should be changed to "a driving condition setting circuit for."

For **Claim 20**, the claim language makes the following typographical error (underlined portion), "a driving condition for setting circuit." The underlined portion should be changed to "a driving condition setting circuit for." Furthermore, the claim language again makes the following typographical error (underlined portion), "the driving color setting means." The underlined portion should be changed to "the driving condition setting circuit."

8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 11 – 14, 16, 18, 20 – 24, 48, 49, 51, 52, and 54** are rejected under 35 U.S.C. 102(b) as being anticipated by Teremy et al.

11. For **Claim 11**, Teremy et al. disclose, as shown in figures 3 and 5 and as stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 54), a display device (21) for a camera (10) comprising:

an organic electroluminescent element (Comprised of OLED 62, 63, 64, 66, and 68; see column 5, lines 32 – 36.) emitting multiple color lights (See column 5, line 33 – 58.) for illuminating a display segment (The "display segment" is the panel 40; see figure 3) or *a background of the display segment in the display device* (Italicized portion not required because of "or" claim language);

a driving condition setting circuit (microcontroller 70; see figure 5) for setting data corresponding to *luminous brightness* (Italicized portion not required because of "or" claim language) or luminous color (Red, green, blue, etc.; See column 5, lines 33 – 58; and see column 6, lines 2 – 10) of the organic electroluminescent element; and

a drive circuit (OLED drivers 74; see figure 5) for driving the organic electroluminescent element (Comprised of OLED 62, 63, 64, 66, and 68, as stated above) on the basis of the luminous color (As stated above, Red, green, blue, etc. are the colors and "luminous brightness" is not required), in an identical area (40) of the display device (21), is manually settable by an operator (see below for explanation).

As stated above, the Examiner has associated the claimed "display segment" with the panel (40) and the claimed "organic electroluminescent element" with the OLED's (62, 63, 64, 66, and 68). Teremy et al. clearly shows in figure 3, wherein the OLED's (62, 63, 64, 66, and

68) are responsible for illuminating the display segment (i.e. for illuminating the panel 40). Furthermore, it is also clearly stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 10), that Teremy et al. disclose, that the OLED's (62, 63, 64, 66, and 68) emit multiple luminous color lights (Red, green, blue, etc.). Therefore, the drive circuit (74) drives the OLED's (62, 63, 64, 66, and 68) on the basis of the multiple luminous color lights (Red, green, blue, etc.) in the display segment (40) of the display device (21). Since, the OLED's (62, 63, 64, 66, and 68) are all located within the display segment (40) they are driven in an identical area of the display device (i.e. the "identical area" is the display segment area).

Lastly, Teremy et al. does in fact teach that the luminous color of the OLED's are manually changeable by an operator. Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the OLED's emit light in different colors and different combinations of colors associated with camera conditions that are manually changeable by an operator. The operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes.

12. For **Claim 16**, Teremy et al. disclose, as shown in figures 3 and 5 and as stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 54), a display device (21) for a camera (10) comprising:

an organic electroluminescent element (Comprised of OLED 62, 63, 64, 66, and 68; see column 5, lines 32 – 36.) emitting multiple color lights (See column 5, line 33 – 58.) for illuminating a display segment (The "display segment" is the panel 40; see figure 3) or *a background of the display segment in the display device* (Italicized portion not required because of "or" claim language);

a driving condition setting circuit (microcontroller 70; see figure 5) for setting data corresponding to *luminous brightness* (Italicized portion not required because of "or" claim language) or luminous color (Red, green, blue, etc.; See column 5, lines 33 – 58; and see column 6, lines 2 – 10) of the organic electroluminescent element;

a memory for storing the luminous brightness (not required; see above) or the luminous color set by the driving condition setting circuit (The microcontroller 70 operates according to a stored set of instructions 90, which is corresponds to various OLED drive control variations; as described below.); and

a drive circuit (OLED drivers 74; see figure 5) for driving the organic electroluminescent element (Comprised of OLED 62, 63, 64, 66, and 68, as stated above) on the basis of the luminous color (As stated above, Red, green, blue, etc. are the colors and "luminous brightness" is not required), in an identical area (40) of the display device (21), is manually settable by an operator (see below for explanation).

As stated above, the Examiner has associated the claimed "display segment" with the panel (40) and the claimed "organic electroluminescent element" with the OLED's (62, 63, 64, 66, and 68). Teremy et al. clearly shows in figure 3, wherein the OLED's (62, 63, 64, 66, and 68) are responsible for illuminating the display segment (i.e. for illuminating the panel 40). Furthermore, it is also clearly stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 10), that Teremy et al. disclose, that the OLED's (62, 63, 64, 66, and 68) emit multiple luminous color lights (Red, green, blue, etc.). Therefore, the drive circuit (74) drives the OLED's (62, 63, 64, 66, and 68) on the basis of the multiple luminous color lights (Red, green, blue, etc.) in the display segment (40) of the display device (21). Since, the OLED's (62, 63, 64, 66, and 68) are

all located within the display segment (40) they are driven in an identical area of the display device (i.e. the "identical area" is the display segment area).

Lastly, Teremy et al. does in fact teach that the luminous color of the OLED's are manually changeable by an operator. Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the OLED's emit light in different colors and different combinations of colors associated with camera conditions that are manually changeable by an operator. The operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes.

13. For **Claim 20**, Teremy et al. disclose, as shown in figures 3 and 5 and as stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 54), a camera comprising:

a display device (21) for displaying a display segment (40);

an organic electroluminescent element (Comprised of OLED 62, 63, 64, 66, and 68; see column 5, lines 32 – 36.) emitting multiple color lights (See column 5, line 33 – 58.) for illuminating a display segment (The "display segment" is the panel 40; see figure 3) or *a background of the display segment in the display device* (Italicized portion not required because of "or" claim language); and

a driving condition setting circuit (microcontroller 70; see figure 5) for setting data corresponding to *luminous brightness* (Italicized portion not required because of "or" claim language) or luminous color (Red, green, blue, etc.; See column 5, lines 33 – 58; and see column 6, lines 2 – 10) of the organic electroluminescent element;

wherein the display device displays that setting of the luminous color by the driving condition setting circuit is allowable (see below for explanation) and the data corresponding to

the luminous brightness or the luminous color in an identical area of the display device is manually changeable by an operator (see blow for explanation).

As stated above, the Examiner has associated the claimed "display segment" with the panel (40) and the claimed "organic electroluminescent element" with the OLED's (62, 63, 64, 66, and 68). Teremy et al. clearly shows in figure 3, wherein the OLED's (62, 63, 64, 66, and 68) are responsible for illuminating the display segment (i.e. for illuminating the panel 40). Furthermore, it is also clearly stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 10), that Teremy et al. disclose, that the OLED's (62, 63, 64, 66, and 68) emit multiple luminous color lights (Red, green, blue, etc.). Therefore, the drive circuit (74) drives the OLED's (62, 63, 64, 66, and 68) on the basis of the multiple luminous color lights (Red, green, blue, etc.) in the display segment (40) of the display device (21). Since, the OLED's (62, 63, 64, 66, and 68) are all located within the display segment (40) they are driven in an identical area of the display device (i.e. the "identical area" is the display segment area).

Lastly, Teremy et al. does in fact teach that the luminous color of the OLED's are manually changeable by an operator. Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the OLED's emit light in different colors and different combinations of colors associated with camera conditions that are manually changeable by an operator. The operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes. Furthermore, the manually changeable luminous color of the OLED's is representing that the changing is allowable; hence, the display device display that the luminous color setting is allowable by actually displaying the set luminous color. The "allowable" feature of the claim language is written broadly enough so as to not require a

specific display feature just the mere fact that the setting can be performed and updated upon the display.

14. For **Claims 21 and 23**, Teremy et al. disclose, as shown in figures 3 and 5 and as stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 54), a display device (21) for a camera and a method of operating thereof comprising the following components and associated steps:

a display section including an organic EL element (Comprised of OLED 62, 63, 64, 66, and 68; see column 5, lines 32 – 36.) which has a laminated structure (see figures 10 and 11) and emits multiple color lights (See column 5, line 33 – 58.) for illuminating a display segment (The "display segment" is the panel 40; see figure 3) or *a background of the display segment in the display section* (Italicized portion not required because of "or" claim language); and

a first driving condition setting section for setting luminous brightness of the organic EL element (see explanation below);

a second driving condition setting section for setting luminous color of the organic EL element (see explanation below);

a driving control section (OLED drivers 74; see figure 5) driving the organic EL element on the basis of the luminous brightness set by the first driving condition setting section or the luminous color set by the second driving condition setting section,

wherein the luminous brightness and the luminous color in an identical area of the display section manually settable by an operator (see explanation below).

As stated above, the Examiner has associated the claimed "display segment" with the panel (40) and the claimed "organic electroluminescent element" with the OLED's (62, 63, 64, 66, and 68). Teremy et al. clearly shows in figure 3, wherein the OLED's (62, 63, 64, 66, and

68) are responsible for illuminating the display segment (i.e. for illuminating the panel 40). Furthermore, it is also clearly stated in columns 5 (lines 33 – 58) and 6 (lines 2 – 10), that Teremy et al. disclose, that the OLED's (62, 63, 64, 66, and 68) emit multiple luminous color lights (Red, green, blue, etc.). Therefore, the drive circuit (74) drives the OLED's (62, 63, 64, 66, and 68) on the basis of the multiple luminous color lights (Red, green, blue, etc.) in the display segment (40) of the display device (21). Since, the OLED's (62, 63, 64, 66, and 68) are all located within the display segment (40) they are driven in an identical area of the display device (i.e. the "identical area" is the display segment area).

Teremy et al. does in fact teach that the luminous color of the OLED's are manually changeable by an operator. Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the OLED's emit light in different colors and different combinations of colors associated with camera conditions that are manually changeable by an operator. The operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes.

Teremy et al. disclose, as shown in figure 6 and as stated in columns 2 – 54, the organic element is comprised of OLED's (62 – 68). Various OLED's are operable to be turned on and off to display various messages as shown in figure 6. Hence, turning off and on various OLED's would change the luminous brightness of the organic element. Furthermore, Teremy et al. disclose that the messages are related to the operational conditions of the camera; wherein Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto,

or macro modes. Thus, Teremy et al. disclose wherein both the luminous brightness and luminous color are changeable by the operator.

15. As for **Claims 12, 24, 49, and 52**, Teremy et al. disclose, as shown in figure 3, wherein the identical area is the display segment area (40) of the display (21).

16. As for **Claim 13**, Teremy et al. disclose, as shown in figures 10 and 11, wherein the organic electroluminescent element has a laminated structure.

17. As for **Claims 14 and 18**, Teremy et al. disclose a driving condition setting circuit (microcontroller 70; see figure 5) for setting data corresponding to luminous color (Red, green, blue, etc.; See column 5, lines 33 – 58; and see column 6, lines 2 – 10) of the organic electroluminescent element; wherein, as stated in column 6 (lines 17 – 38), the OLED's emit light in different colors and different combinations of colors associated with camera conditions that are manually changeable by an operator. The operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes.

Although, it is not specifically stated or shown, Teremy et al. must provide a switching circuit to manually set camera conditions, including setting a photography mode, that result in a change in driving conditions of the OLED's (62 – 68). If a switching circuit were not present, the driving condition setting circuit (microcontroller 0; see figure 5) would never receive an input regarding a change in camera conditions and thus, would not be able to set the luminous color.

18. As for **Claim 22**, Teremy et al. disclose, as shown in figures 1 and 9 and as stated in columns 4 (lines 22 – 42) and 6 (lines 61 – 67), wherein the display section includes an outside display section.

19. As for **Claims 48, 51, and 54**, Teremy et al. disclose, as shown in figure 6 and as stated in columns 2 – 54, the organic element is comprised of OLED's (62 – 68). Various OLED's are operable to be turned on and off to display various messages as shown in figure 6. Hence, turning off and on various OLED's would change the luminous brightness of the organic element. Furthermore, Teremy et al. disclose that the messages are related to the operational conditions of the camera; wherein Teremy et al. teach, as stated in column 6 (lines 17 – 38), that the operator can manually set camera conditions such as manual or automatic focusing, self-timer, and wide-angle, telephoto, or macro modes. Thus, Teremy et al. disclose wherein both the luminous brightness and luminous color are changeable by the operator.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Teremy et al.

22. As for **Claim 17**, while Teremy et al. provides the microcontroller (70) with a memory to store a set of instructions for associating manually set camera conditions with a predetermined luminous color various of the OLED's (62 – 68), Teremy et al. do not provide the details of the

storing or any memory. However, **Official Notice** (MPEP § 2144.03) is taken the both the concepts and advantages of providing a memory that is an electrically rewritable non-volatile memory are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a memory that is an electrically rewritable non-volatile memory as a means to provide a memory capable of permanently storing various sets of microcontroller instructions.

Allowable Subject Matter

23. **Claims 15, 19, 47, 50, and 53** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for **Claims 15 and 19**, while the closest prior art discloses a display device for a camera including an organic electroluminescent element emitting multiple color lights for illuminating a display segment in the display device and a driving condition setting circuit for setting data corresponding to luminous color of the organic electroluminescent element; the prior art does not teach or fairly suggest the display device for a camera further comprising a mode selector member for performing switching between a setting mode for setting the luminous brightness or the luminous color of the driving condition setting circuit and a photographing mode of a camera, wherein, when the setting mode is set by the mode selector member, change in the luminous brightness or the luminous color is allowed.

As for Claims **47, 50, and 53**, while the closest prior art discloses a display device for a camera including an organic electroluminescent element emitting multiple color lights for

illuminating a display segment in the display device and a driving condition setting circuit for setting data corresponding to luminous color of the organic electroluminescent element; the prior art does not teach or fairly suggest wherein the luminous brightness or the luminous color is changeable by being arbitrarily selected by the operator from plural numbers of luminous brightness or plural luminous colors stored in advance.

24. **Claims 1 – 10, 25 – 46, and 55 – 59** are allowed. The following is a statement of reasons for the indication of allowable subject matter:

In light of Applicant's remarks found on page 19 and 20 of the Amendment filed 23 August 2004, the prior art does not teach or fairly suggest driving condition setting means for changing and setting luminous brightness or luminous color of an organic electroluminescent element and driving control means for driving the organic electroluminescent element on the basis of the luminous brightness or the luminous color set by the driving condition setting means wherein the luminous brightness or the luminous color, in an identical area of the display device, manually changeable by an operator.

25. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
December 6, 2004

AUNG MOE
PRIMARY EXAMINER